

Message Text

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TO AMEMBASSY BONN

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C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 0285

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, GE, GW

SUBJECT: DECEMBER 19 INNER-GERMAN PACKAGE-- NEW
DEVELOPMENT ON REICHSBAHN CONSTRUCTION

REF: USBERLIN 244

1. SUMMARY: GDR HAS INTRODUCED NEW ELEMENT INTO
REOPENING OF STAAKEN FOR TRANSIT TRAIN TRAFFIC AND
CREATION OF ADDITONAL TRAIN STOPS AT SPANDAU, CHARLOT-
TENBURG AND WANNSEE STATIONS. IT HAS ADVISED SENAT THAT
CONSTRUCTION FORESEEN IN DECEMBER 19 AGREEMENT WILL
REQUIRE THAT SMALL ADDITIONAL PIECES OF LAND IN
WESTERN SECTORS BE MADE AVAILABLE BY SENAT. WHILE
TECHNICAL DETAILS OF NEW REQUIREMENTS HAVE NOT YET BEEN
FULLY CLARIFIED AND SOME STATUS PROBLEMS MAY ARISE,
NEW DEVELOPMENT MAY ALSO PROVIDE FACE-SAVING WAY FOR
REICHSBAHN TO COMPLY WITH ALLIED BK/O REQUIRING IT TO
SUBMIT CONSTRUCTION PLANS FOR APPROVAL. END SUMMARY:

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2. DURING COURSE OF REGULAR MEETING ON VISITS ARRANGEMENT
FEBRUARY 12, GDR FOREIGN OFFICE REP MITDANK RAISED

DECEMBER 19 AGREEMENT SAYING THAT GDR HAD ALREADY BEGUN PREPARATORY WORK AT STAAKEN CROSSING POINT. MITDANK SAID THAT NEW PROBLEM HAD, HOWEVER, ARISEN ON WHICH GDR WOULD REQUIRE SENAT SUPPORT. ACCORDING TO MITDANK, PART OF LAND THAT WILL BE REQUIRED FOR LAYING NEW TRACK BETWEEN CHARLOTTENBURG AND STAAKEN STATIONS IS RAILROAD LAND PRESENTLY BEING USED BY PRIVATE BERLINERS FOR SMALL GREEN GARDENS, AND THERE ARE VARIOUS SMALL BUILDINGS ON OTHER PORTIONS. MITDANK SAID NECESSARY CONSTRUCTION IN SPANDAU AND CHARLOTTENBURG WILL ALSO REQUIRE USE OF LAND PRESENTLY BEING USED BY SENAT'S ADMINISTRATOR FOR FORMER REICHSBAHN PROPERTY. MITDANK SAID RESPONSIBLE AUTHORITIES ON GDR SIDE WOULD PROVIDE SENAT, PROBABLY THROUGH OFFICE OF SENATOR FOR BUILDING AND CONSTRUCTION, WITH RELEVANT DETAILS AND WOULD LIKEWISE INFORM AFFECTED CITIZENS AND ESTABLISHMENTS, BUT THAT GDR WOULD HOPE TO GET SENAT SUPPORT IN CLEARING LAND FOR CONSTRUCTION.

3. SENAT REP KUNZE SAID SENAT WOULD DO WHAT WAS NECESSARY AND WITHIN ITS COMPETENCE TO EXPEDITE MATTER, BUT GDR SHOULD NOT FORGET ALLIED BK/O WHICH HAD BEEN GIVEN TO REICHSBAHN AND WHICH REQUIRED REICHSBAHN TO SUBMIT PLANS AND OBTAIN ALLIED AND SENAT APPROVALS BEFORE CONSTRUCTION BEGAN. MITDANK RESPONDED THAT HIS SIDE DID NOT WISH TO BE BURDENED WITH SUCH THINGS. IF SENAT HAD TO GET SOME SORT OF APPROVAL, IT OUGHT TO DO SO, BUT FOR GDR ALL THAT COUNTED WAS DECEMBER 19 AGREEMENT WITH SENAT.

4. MITDANK'S ASSISTANT FROM FOREIGN OFFICE, MUELLER, RETURNED TO SUBJECT FEBRUARY 16 DURING CALL ON KUNZE'S ASSISTANT, HINKEFUESS, PURPORTEDLY TO DISCUSS TECHNICAL VISITS QUESTIONS. MUELLER SAID THAT REICHSBAHN EXPERT FROM MINISTRY OF TRANSPORT, HERR FUNK, WISHED TO DISCUSS TECHNICAL DETAILS WITH REPRESENTATIVE FROM SENATOR FOR BUILDING AND CONSTRUCTION FEBRUARY 17 AND WOULD PROVIDE MORE PRECISE INFORMATION ON NEW REQUIREMENTS THEN. MUELLER DESCRIBED LAND REICHSBAHN SEEKS AS REICHSBAHN LAND PRESENTLY USED BY THIRD PARTIES AND 140 QUEADRATMETERS OF SENAT PROPERTY.

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5. COMMENT: WE ARE AWAITING REPORT OF FEBRUARY 17 EXPERTS DISCUSSION, BUT WE PERCEIVE SEVERAL POTENTIAL PROBLEMS AND OPPORTUNITIES IN GDR REQUEST. ON NEGATIVE SIDE, WE WOULD EXPECT GDR TO ATTEMPT TO UTILIZE AFFAIR AS MEANS TO KEEP FOREIGN OFFICE IN REGULAR CONTACT WITH SENAT ON CONSTRUCTION AND PERHAPS EVEN TO JUSTIFY NEW AGREEMENT ON TURN-OVER OR USE OF LAND. DIRECT REICHSBAHN OR, MORE PARTICULARLY, DIRECT MINISTRY OF TRANSPORT CONTACT WITH PRIVATE BERLINERS WHO MAY BE

UNITLIZING PROPERTY DESIRED BY REICHSBAHN FOR CONSTRUCTION COULD HAVE UNDESIRABLE CONNOTATIONS WITH RESPECT TO EXTRATERRITORIALITY OF REICHSBAHN OPERATIONS, AND THERE MAY BE TECHNICAL STATUS COMPLICATIONS IN DISTINGUISHING BETWEEN OPERATING REICHSBAHN PROPERTY, NON-OPERATING FORMER REICHSBAHN PROPERTY UNDER SENAT ADMINISTRATION. AND OTHER LAND OWNED EITHER BY LAND BERLIN OR BY PRIVATE CITIZENS. ON PLUS SIDE, HOWEVER, GDR REQUEST FOR SENAT ASSISTANCE MAY OFFER SENAT NEW HANDLE TO ENSURE THAT REICHSBAHN COMPLIES WITH ALLIED BK/O AND REQUESTS PERMISSION FROM ALLIES AND SENAT BEFORE IT CARRIES OUT CONSTRUCTION.

6. WE WOULD RATE SIGNS AS TO WHETHER REICHSBAHN INTENDS ULTIMATELY TO COOPERATE AS STILL MIXED. GDR PRESS STATEMENT THAT GREETED PUBLICATION OF BK/O WAS PROBABLY MINIMUM GDR FELT IT HAD TO DO IT PRESERVE ITS LEGAL POSITION. MITDANK'S PLOY WITH KUNZE FEBRUARY 12 WAS PROBABLY ALSO INEVITABLE. WE WOULD NOT REGARD EITHER, HOWEVER, AS AMOUNTING TO FIRM INDICATION THAT REICHSBAHN HAS BEEN INSTRUCTED NOT TO COMPLY WITH NORMAL PROCEDURES AT WORKING LEVEL. WE HAVE JUST LEARNED THAT REICHSBAHN BEGAN TO BREAK GROUND AND TEAR UP RAILS AT WANNSEE STATION FEBRUARY 16 AS FIRST STEP OF CONSTRUCTION. THERE IS THIS AT LEAST SOME INCLINATION ON GDR'S PART TO SEE HOW FAR IT CAN GO IN IGNORING ALLIED ORDER AND ESTABLISHED PROCEDURES. ARGUING FOR ULTIMATE GDR COMPLIANCE AT LEAST OF GENTLE NUDGE IS PROVIDED, HOWEVER, IS FACT THAT GDR APPEARS TO BE ATTACHING SIGNIFICANCE TO COMPLETING PROJECT EXPEDITIOUSLY. AS REPORTED REFTEL, IT HAS SET HIGHLY OPTIMISTIC DATES FOR COMPLETION OF WORK. WE HAVE ALSO LEARNED FROM
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ACTION EUR-12

INFO OCT-01 ISO-00 EB-07 ACDA-05 IO-11 DOTE-00 CIAE-00

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7. NEED FOR ADDITIONAL LAND WHICH IS NOT PART OF PRESENT REICHSBAHN OPERATING FACILITIES DEMONSTRATES THAT, REGARDLESS OF GDR THEORY ABOUT ITS RIGHTS ON REICHSBAHN PROPERTY, THERE IS PRACTICAL REASON FOR SENAT AND ALLIED AUTHORITIES TO RECEIVE AND APPROVE DETAILS OF CONSTRUCTION PROJECT WHICH BY GDR'S OWN ADMISSION NOW AFFECTS RIGHTS ON THIRD PARTIES. IF IT SO DESIRES, THEREFORE, REICHSBAHN WOULD NOW SEEM TO HAVE FACE-SAVING RATIONALE FOR SUBMITTING ALL ITS CONSTRUCTION PLANS FOR APPROVAL.

8. PENDING RECEIPT OF DETAILED INFORMATION THAT SHOULD BE AVAILABLE AFTER FEBRUARY 17 MEETING OF EXPERTS, WE ARE SUGGESTING TO ALLIES THAT WE CONSIDER ADOPTING FOLLOWING LINE?

A) SENAT SHOULD TELL REICHSBAHN REPRESENTATIVE THAT NEW TECHNICAL COMPLICATIONS HAVE BEEN INTRODUCED WHICH WILL REQUIRE CAREFUL STUDY AT TECHNICAL LEVEL. SENAT SHOULD INDICATE THAT IT WILL PURSUE THESE MATTERS
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WITH REICHSBAHN BUT NOT WITH GDR FOREIGN OFFICE.

B) IF GDR FOREIGN OFFICE SEEKS TO REINSERT ITSELF INTO MATTER, SENAT SHOULD RESPOND THAT IT HAS NO BRIEF TO DISCUSS MATTER ON POLITICAL LEVEL BUT THAT GDR IS ALWAYS FREE TO RAISE POLITICAL QUESTIONS WITH AUTHORITIES WHO NEGOTIATED DECEMBER 19 AGREEMENT, NAMELY FRG.

C) SENAT SHOULD ADVISE REICHSBAHN THAT IT SHOULD NOT ATTEMPT TO FREE ANY PROPERTY PRESENTLY BEING USED BY THIRD PARTY THROUGH ITS OWN MEANS. ALL COMMUNICATIONS WITH THIRD PARTIES SHOULD BE HANDLED BY SENAT.

D) SENAT SHOULD ADVISE REICHSBAHN THAT THIS NEW DEVELOPMENT, INVOLVING AS IT DOES INTERESTS OF THIRD PARTIES AND PROPERTY UNDER SENAT ADMINISTRATION IN ADDITION TO REICHSBAHN OPERATING PROPERTY, POINTS UP PRACTICAL NECESSITY FOR REICHSBAHN TO SUBMIT ITS DETAILED PLANS TO PROPER SENAT AND ALLIED AUTHORITIES FOR APPROVAL AS QUICKLY AS POSSIBLE. PRESENT PROBLEM CANNOT AND WILL NOT BE DEALT WITH IN VACUUM. SENAT AND ALLIES MUST RECEIVE ALL PLANS SO THAT THEY CAN ACT IN COORDINATED WAY BEFORE CONSTRUCTION CAN BEGIN IN WESTERN SECTORS.
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